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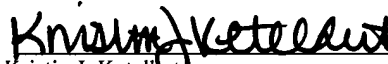
DOCKET NO.: I0248.70015US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bachovchin et al.  
Serial No.: 10/725,952  
Confirmation No.: 3968  
Filed: December 1, 2003  
For: STIMULATION OF HEMATOPOIETIC CELLS IN VITRO  
Examiner: Not Yet Assigned  
Art Unit: 1631

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 30<sup>th</sup> day of March, 2005.

  
Kristin J. Ketelhor

MAIL STOP AMENDMENT

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,  
*Bachovchin et al., Applicant*

By:



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Telephone: (617) 646-8000

Docket No.: I0248.70015US01  
Date: March 30 2005  
xNDDx



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Kristin J. Ketelhut

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**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Serial No.: 10/725,952  
Conf. No.: 3968

- 2 -

Art Unit: 1631

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
I0248.70012US00	09/578,363	25 May 2000	Wallner et al.
I0248.70013US00	09/290,376	12 April 1999	Wallner
I0248.70014US00	09/744,658	13 August 1999	Wallner
I0248.70022WO00	PCT/US2005/00079	10 January 2005	McLean et al.
*I0248.70024US00	10/616,409	9 July 2003	Adams et al.
I0254.70007US00	09/289,321	9 April 1999	Bachovchin
*I0254.70007US01	11/030,591	6 January 2005	Bachovchin
*I0254.70008US01	10/775,598	10 February 2004	Bachovchin
*I0254.70014US01	10/778,667	13 February 2004	Huber

\*a copy of this reference is not provided as the Office hereby waives the requirement under 37 CFR 1.98(a)(2)(iii) for submitting a copy of each cited U.S. patent application filed after June 30, 2003 and for applications filed before June 30, 2003, or that entered the national stage before June 30, 2003, if they are scanned to Image File Wrapper system and are available on Private PAIR.

The Applicant would like to bring to the Examiner's attention the enclosed search report(s) and other communication(s) from a corresponding International Application.

<u>Docket No.</u>	<u>Serial No.</u>	<u>Mailing Date</u>	<u>Type of Communication(s)</u>
I0248.70005WO00	PCT/US98/20343	5 January 2000	International Preliminary Examination Report
I0248.70005WO00	PCT/US98/20343	2 December 1999	Written Opinion
I0248.70005WO00	PCT/US98/20343	22 October 1999	Written Opinion
I0248.70005WO00	PCT/US98/20343	23 February 1999	International Search Report

### PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.


By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

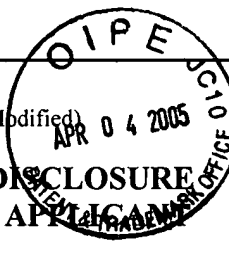
Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
*Bachovchin et al., Applicant*

By:   
\_\_\_\_\_  
Maria A. Trevisan, Reg. No. 48,207  
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Telephone: (617) 646-8000

Docket No.: I0248.70015US01  
Date: March 30, 2005  
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FORM PTO-1449/A and B (Modified)

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

APPLICATION NO.: 10/725,952

ATTY. DOCKET NO.: I0248.70015US01

FILING DATE: December 1, 2003

CONFIRMATION NO.: 3968

APPLICANT: Bachovchin et al.

GROUP ART UNIT: 1631

EXAMINER: Not Yet Assigned

Sheet 1 of 10

**U.S. PATENT DOCUMENTS**

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	*A1	4,318,904		Shaw et al.	03-09-1982
	*A2	4,443,609		Qude Alink et al.	04-17-1984
	*A3	4,499,082		Shenvi et al.	02-12-1985
	*A4	4,582,821		Kettner et al.	04-15-1986
	*A5	4,636,492		Kettner et al.	01-13-1987
	*A6	4,644,055		Kettner et al.	02-17-1987
	*A7	4,652,552		Kettner et al.	03-24-1987
	*A8	4,935,493		Bachovchin et al.	06-19-1990
	*A9	4,963,655		Kinder et al.	10-16-1990
	*A10	5,093,477		Mölling et al.	03-03-1992
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	*A13	5,242,904		Kettner et al.	09-07-1993
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	*A21	5,462,928		Bachovchin et al.	10-31-1995
	*A22	5,506,130		Peterson et al.	04-09-1996
	*A23	5,527,923		Klingler et al.	06-18-1996
	*A24	5,543,396		Powers et al.	08-06-1996
	*A25	5,554,728		Basava et al.	09-10-1996
	*A26	5,635,386		Palsson et al.	06-03-1997
	*A27	5,635,387		Fei et al.	06-03-1997
	*A28	5,646,043		Emerson et al.	07-08-1997
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	A30	4,999,082		Krenner et al.	03-12-1991
	A31	5,965,532		Bachovchin	10-12-1999
	A32	6,040,145		Huber et al.	03-21-2000
	A33	6,100,234		Huber et al.	08-08-2000
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	A35	6,355,614	B1	Wallner	03-12-2002
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<b>FORM PTO-1449/A and B (Modified)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/725,952		ATTY. DOCKET NO.: I0248.70015US01	
				FILING DATE: December 1, 2003		CONFIRMATION NO.: 3968	
				APPLICANT: Bachovchin et al.			
				GROUP ART UNIT: 1631		EXAMINER: Not Yet Assigned	
Sheet	2	of	10				

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A40	6,825,169	B1	Bachovchin et al.	11-30-2004
	A41	2003-0158114	A1	Wallner et al.	08-21-2003
	A42	2003-0212044	A1	Huber et al.	11-13-2003
	A43	2004-0077601	A1	Adams et al.	04-22-2004
	A44	2005-0037976	A1	Wallner et al.	02-17-2005

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		Office/ Country	Number	Kind Code			
	*B1	DD	158109		Martin-Luther-Universitaet Halle Wittenberg	12-29-1982	Y- Abstract Only
	*B2	DD	270382	A1	Martin-Luther-Universitaet Halle Wittenberg	07-26-1989	Y- Abstract Only
	*B3	DD	296075	A5	Martin-Luther-Universitaet Halle Wittenberg	11-21-1991	Y- Abstract Only
	*B4	EP	0 356 223	A2	Merck and Co., Inc.	02-26-1990	
	*B5	EP	0 371 467	A2	Hoechst Aktiengesellschaft	06-06-1990	
	*B6	EP	0 420 913	A1	Cell Med, Inc.	12-28-1989	
	*B7	EP	0 471 651	A2	Sandoz Ltd.	02-19-1992	
	*B8	EP	0 481 311	A2	Merck Patent Gesellschaft	10-18-1990	
	*B9	EP	0 615 978	A1	Adir et Compagnie	09-21-1994	
	*B10	EP	0 688 788	A1	Adir et Compagnie	06-22-1994	
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	*B12	WO	91/16339	A1	New England Medical Center Hospitals, Inc.	10-31-1991	
	*B13	WO	91/17767	A1	New England Medical Center Hospitals, Inc.	11-28-1991	
	*B14	WO	92/12140	A1	Georgia Tech Research Corporation	07-23-1992	
	*B15	WO	92/17490	A1	The Upjohn Company	10-15-1992	
	*B16	WO	93/02057	A1	Smith-Kline Beecham Corporation	02-04-1993	
	*B17	WO	93/05011	A1	Sandoz Ltd.	03-18-1993	
	*B18	WO	93/08259	A2	New England Medical Center Hospitals, Inc.	04-29-1993	
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<b>FORM PTO-1449/A and B (Modified)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/725,952		ATTY. DOCKET NO.: 10248.70015US01			
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Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	*B23	WO	94/20526	A1	Sandoz-Erfindungen Verwaltungsgesellschaft M.B.H.	09-15-1994	
	*B24	WO	94/25873	A1	Hall	11-10-1994	
	*B25	WO	94/28915	A1	Institut Pasteur	12-22-1994	
	*B26	WO	94/29335	A1	Astra Aktiebolag	12-22-1994	
	*B27	WO	95/11689	A1	Trustees of Tufts College	05-04-1995	
	*B28	WO	95/15309	A1	Ferring B.V.	06-08-1995	
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	*B30	WO	95/29190	A1	Institut Pasteur	11-02-1995	
	*B31	WO	95/29691	A1	Georgia Tech Research Corporation	11-09-1995	
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	*B33	WO	96/40263	A2	Cellpro, Incorporated	12-19-1996	
	*B34	WO	96/40858	A1	Aastrom Biosciences Inc.	12-19-1996	
	*B35	WO	98/00439	A2	Trustees of Tufts College	01-08-1998	
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	*B37	WO	98/50066	A1	Trustees of Tufts College	11-12-1998	
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	B41	WO	00/10549	A1	Point Therapeutics, Inc.	03-02-2000	
	B42	WO	00/71135	A1	Point Therapeutics, Inc.	11-30-2000	
	B43	WO	2004/004658	A2	Point Therapeutics, Inc.	01-15-2004	
	B44	WO	2004/004661	A2	Point Therapeutics, Inc.	01-15-2004	

#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	*C1	[No Author Listed] Perstorp Biotec Company, Molecular Biology Catalog. 1994.	
	*C2	AGUILA et al., From stem cells to lymphocytes: biology and transplantation. Immunol Rev. 1997 Jun;157:13-40.	
	*C3	ANSORGE et al., CD26/dipeptidyl peptidase IV in lymphocyte growth regulation. Adv Exp Med Biol. 1997;421:127-40.	
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	*C9	BLUMENSTEIN et al., Synthetic non-peptide inhibitors of HIV protease. Biochem Biophys Res Commun. 1989 Sep 15;163(2):980-7.		
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	*C12	BODANSKY et al., Peptide Chemistry, A practical textbook. 1988: Springer-Verlag. p1-9.		
	*C13	BOROS et al., Fluoroolefin peptide isosteres: tools for controlling peptide conformations. Tetrahedron Lett. 1994;35:6033-6.		
	*C14	BRADY et al., Drug design. Reflections on a peptide. Nature. 1994 Apr 21;368(6473):692-3.		
	*C15	BRANDER et al., Heterogeneous T cell responses to beta-lactam-modified self-structures are observed in penicillin-allergic individuals. J Immunol. 1995 Sep 1;155(5):2670-8. Abstract Only.		
	*C16	BRISTOL et al., Characterization of a novel rat thymocyte costimulating antigen by the monoclonal antibody 1.3. J Immunol. 1992 Jan 15;148(2):332-8. Abstract Only.		
	*C17	BRISTOL et al., Thymocyte costimulating antigen is CD26 (dipeptidyl-peptidase IV). Costimulation of granulocyte, macrophage, and T lineage cell proliferation via CD26. J Immunol. 1992 Jul 15;149(2):367-72. Abstract Only.		
	*C18	BRISTOL et al., Inhibition of CD26 enzyme activity with pro-boropro stimulates rat granulocyte/macrophage colony formation and thymocyte proliferation in vitro. Blood. 1995 Jun 15;85(12):3602-9.		
	*C19	BUNGY et al., Mapping of T cell epitopes of the major fraction of rye grass using peripheral blood mononuclear cells from atopics and non-atopics. II. Isoallergen clone 5A of Lolium perenne group I (Lol p I). Eur J Immunol. 1994 Sep;24(9):2098-103. Abstract Only.		
	*C20	CHAN et al., 32 cases of sympathetic ophthalmia. A retrospective study at the National Eye Institute, Bethesda, Md., from 1982 to 1992. Arch Ophthalmol. 1995 May;113(5):597-600. Abstract Only.		
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<b>FORM PTO-1449/A and B (Modified)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/725,952		ATTY. DOCKET NO.: I0248.70015US01	
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Sheet	5	of	10				

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	*C28	DE CAESTECKER et al., The detection of intracytoplasmic interleukin-1 alpha, interleukin-1 beta and tumour necrosis factor alpha expression in human monocytes using two colour immunofluorescence flow cytometry. J Immunol Methods. 1992 Sep 18;154(1):11-20. Abstract Only.	
	*C29	DEMUTH et al., Design of (omega-N-(O-acyl)hydroxy amid) aminodicarboxylic acid pyrrolidides as potent inhibitors of proline-specific peptidases. FEBS Lett. 1993 Mar 29;320(1):23-7.	
	*C30	DUDLER et al., Carbohydrate-dependent, HLA class II-restricted, human T cell response to the bee venom allergen phospholipase A2 in allergic patients. Eur J Immunol. 1995 Feb;25(2):538-42. Abstract Only.	
	*C31	DUKE-COHAN et al., Targeting of an activated T-cell subset using a bispecific antibody-toxin conjugate directed against CD4 and CD26. Blood. 1993 Oct 1;82(7):2224-34. Abstract Only.	
	*C32	DUPONT et al., Immunology of hematopoietic stem cell transplantation: a brief review of its history. Immunol Rev. 1997 Jun;157:5-12.	
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	*C34	EL FAR et al., Antigens associated with N- and L-type calcium channels in Lambert-Eaton myasthenic syndrome. J Neurochem. 1995 Apr;64(4):1696-702. Abstract Only.	
	*C35	FAUCI et al., The human immunodeficiency virus: infectivity and mechanisms of pathogenesis. Science. 1988 Feb 5;239(4840):617-22. Review. Abstract Only.	
	*C36	FLEISHER et al., Triggering of cytotoxic T lymphocytes and NK cells via the Tp103 pathway is dependent on the expression of the T cell receptor/CD3 complex. J Immunol. 1988 Aug 15;141(4):1103-7. Abstract Only.	
	*C37	FLENTKE et al., Inhibition of dipeptidyl aminopeptidase IV (DP-IV) by Xaa-boroPro dipeptides and use of these inhibitors to examine the role of DP-IV in T-cell function. Proc Natl Acad Sci U S A. 1991 Feb 15;88(4):1556-9.	
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	*C39	GOODMAN et al., On the concept of linear modified retro-peptide structures. Acc Chem Res. 1979;12(1):1-7.	
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 09/812,528, filed March 20, 2001, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

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